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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,945	01/17/2001	Tze Chung Kao	USP1278A-TZ2	7078

7590 07/23/2004

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EXAMINER	
CARLSON, JEFFREY D	
ART UNIT	**PAPER NUMBER**
3622	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,945	KAO, TZE CHUNG	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the paper(s) filed 4/22/04.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 10, 11, 16, 17, 25, 26, 33, 34, 39, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Dukask et al (WO 01/45065). Dukask et al teaches distributed, electronic billboards which receive content from a central controller. Dukask et al teaches computer-based client software (taken to be **regional service centers**) which are connected to a **central control system** (ecommerce site) by a network 348 (the Internet) [pg 49]. Advertisers upload their advertisements and scheduling/timing criteria to the central control which downloads the content and control information to the appropriate billboard. Each of the distributed billboards are controlled by control circuitry which are taken to be **regional control centers** which operate the remote electronic billboard (poster) where the ads are displayed at the appropriate time(s). The posters display the digital ads according to the scheduling information.

Regarding applicant's "stationary" language, the billboards that are mounted on the vehicles can be considered to be stationary at least when stuck in traffic, when at stoplights and when parked. Various advertisers can request their advertising with various schedules and various requested locations, resulting in potential conflicts; the system's automated system which provides an optimization scheme [10:11-18] to satisfy ad requirements is taken to inherently provide a determining, booking, affirming and confirmation system which enables these different requested ad schedules to co-exist. The size of the ads are inherently defined by the content of the ads. Text ads have a size as defined by the number of words; a 5 word ad can be described as being a 5-word size ad. Dukask et al teaches real time ads on page 12. Dukask et al teaches providing an ad identifier for each ad on page 36. Regarding claims 33, 34, page 9 teaches a local sensor which feeds back information about the local display area.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7-9, 12-15, 18-24, 27-32, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dukask et al.

Regarding claims 7-9, Official Notice is taken that it is well known to base the timing of ads based on the type of product. It would have been obvious to one of

ordinary skill at the time of the invention to have suggested/requested that ads for children's products/services be displayed during the day on weekends when the children are not in school, for example so that the timing of the ad display is more effective. The system of Dukask et al enables a suggested/categorized schedule to be provided to the central control system which results in the ads being shown by the regional control centers which provide the control circuitry to drive the dynamic displays. (It does not appear that applicant is positively claiming any suggestion step, but rather only a "providing" step.)

Regarding claims 12-15, Official Notice is taken that it is well known for businesses to create their own advertisements or to outsource such creative work. It would have been obvious to one of ordinary skill at the time of the invention to have provided ad-creation services so that the business desiring advertising does not have to design the creative ads themselves.

It would have been obvious to one of ordinary skill at the time of the invention to have stored the received orders for advertising in a database so that the orders can be logged and processed. It is well known and would have been obvious to one of ordinary skill at the time of the invention to have created order identifiers with each order so that the orders can be carried out and billed for in a computerized fashion.

Regarding claim 22, 24, the requested ad content inherently includes a selected language – the language selected by the requestor.

Regarding claim 29-32, Dukask et al teaches plural ads to be shown in one location [fig 49]. This is taken as a teaching to share the billboard display space,

however, it would have been obvious to one of ordinary skill at the time of the invention to have displayed two different ads on the same screen so that more ads can be shown at once, creating more ad revenue.

6. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dukask et al in view of Rakavy et al (US6317789). Rakavy et al teaches automated translation of advertising content into other languages. It would have been obvious to one of ordinary skill at the time of the invention to have provided such a feature with that of Dukask et al so that ad content can be displayed in different languages, increasing the effectiveness of the ads in areas where different languages are spoken.

Response to Arguments

7. Applicant's arguments filed 4/22/04 have been fully considered but they are not persuasive. Applicant argues that Dukask et al does not teach a stationary poster. As stated above, the billboards of Dukask et al are taken to be stationary at least when stuck in traffic, when at stoplights and when parked. Applicant argues that Dukask et al fails to provide a regional service center, regional control center and the associated functionalities claimed. However, Dukask et al is believed to meet such claimed limitations as previously stated in the action. Applicant merely states the belief that the features are not provided in the applied art, yet does not address examiner's statements regarding how the claimed features are provided as interpreted by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc